



LITE DEPALMA  
GREENBERG, LLC

Newark • Chicago • Philadelphia

TWO GATEWAY CENTER, SUITE 1201  
NEWARK, NJ 07102

TEL: 973.623.3000  
FAX: 973.623.0858  
www.litedepalma.com

March 6, 2013

**ELECTRONICALLY FILED**

Honorable Michael A. Shipp, U.S.D.J.  
United States District Court  
District of New Jersey  
Clarkson S. Fisher Building and U.S. Courthouse  
402 East State Street, Room 7W  
Trenton, NJ 08608

***Re: In re New Jersey Tax Sales Certificates Antitrust Litig.  
Master Docket No.: 3:12-CV-01893-FLW-TJB***

Dear Judge Shipp:

Together with our co-counsel, this office represents plaintiffs in this matter. This letter responds to the March 6, 2013 letter from certain defendants (Dkt. Entry 157) regarding page limitations for defendants' anticipated motions to dismiss the operative Complaint.

As we have advised defendants, plaintiffs are more than willing to consent to relaxing the page limits contained in the Local Civil Rules. But defendants' demand for 155 total pages of briefing is well beyond anything that is reasonable.

For comparison, we cited to defendants in *In re LIBOR Based Financial Instruments Antitrust Litig.*, 11-MD-2282 (S.D.N.Y.), in which some of plaintiffs' counsel here are involved. There are more than thirty defendants in *LIBOR*, including some of the world's largest banks.<sup>1</sup> The class action complaint in that case runs to 103 pages and seeks trillions of dollars in damages. Yet, when the defendants there filed Rule 12(b)(6) motions, they submitted an omnibus brief of 35 pages and 45 pages of additional briefs, for a total of 80 pages. Plaintiffs

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<sup>1</sup> Defendants' statement that there are 48 defendants in the present case does not tell the full story. In fact, there are fourteen groups of defendants, some of which include as many as seven related entities. For example, as shown by the first paragraph of defendants' letter, one corporate defendant, M.D. Sass, comprises seven related entities, all similarly situated. Regardless, this case is relatively straightforward, compared to *LIBOR*. Eleven individuals and entities have already pleaded guilty to criminal charges in connection with the same conduct alleged here, and more indictments and pleas will likely follow. Plaintiffs have also already presented this Court with settlements involving several defendants and anticipate presenting more in the near future.



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asked defendants to cite examples of cases that had allowed the magnitude of briefing that defendants now seek here. Defendants could not offer any.

Plaintiffs will not go on at length, as defendants have, or respond in kind to some of defendants' more aggressive statements. At bottom, though the 80-page total from *LIBOR* would be ample for defendants here to make their arguments, plaintiffs offered to consent to an omnibus brief of 50 pages and 60 pages of additional briefs, for a total of 110 pages. Defendants declined that offer. Plaintiffs respectfully submit that the Court should allow defendants a maximum of 110 pages total, and that whatever number of pages the Court affords defendants, plaintiffs should get the same number of pages for their response.

Thank you very much for your consideration.

Respectfully submitted,

/s/ Bruce D. Greenberg  
Bruce D. Greenberg

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